

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY DUNBAR REIFF,	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	
vs.	:	
	:	NO. 08-CV-05963
CHAD T. MARKS, BOROUGH OF	:	
WEST READING, EDWARD	:	
FABRIZIANI, AND WEST READING	:	
BOROUGH POLICE DEPARTMENT	:	
	:	
Defendants	:	

**ORDER**

\_\_\_\_\_AND NOW, this 13th day of July, 2009, upon consideration of the Defendants' Motion to Dismiss, (Doc. No. 13), and Plaintiff's Response thereto, it is hereby ORDERED that the Defendants' Motion is GRANTED<sup>1</sup> in part and DENIED in part. Specifically, it is ORDERED that:

All counts as to Defendants Chad T. Marks and Edward Fabriziani in their official capacities are DISMISSED;

Count Two is DISMISSED;

Counts Five and Seven are DISMISSED;

Counts Nine and Ten are DISMISSED and Defendant West Reading Borough Police Department is removed as Defendant from this Civil Action;

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<sup>1</sup> Because the Court is rendering a decision on a motion to dismiss, the Court is granting the Plaintiff leave to file an amended complaint within 20 days of the instant Order. If Plaintiff does not wish to amend his Complaint, the Court requests that the Plaintiff give notice of his intent to stand on his Complaint in light of the instant Order, in which case the Defendants are expected to respond accordingly. See Alston v. Parker, 363 F.3d 229, 236 (3d Cir. 2004).

Plaintiff's claim for punitive damages as to the Borough at count six is DISMISSED; and

Lastly, the Clerk is ORDERED TO REDACT the home addresses of Defendants Marks and Fabriziani, which appear in paragraphs two and four of the Complaint.

BY THE COURT:

/s/ Thomas M. Golden

THOMAS M. GOLDEN, J.